

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THE STATE OF MISSOURI ex rel.)	
ERIC S. SCHMITT,)	
)	
<i>Plaintiff,</i>)	Case No. 4:22-cv-00789-AGF
)	
v.)	
)	
THE CITY OF ST. LOUIS, et al.)	
)	
)	
<i>Defendants.</i>)	

DEFENDANTS’ MOTION TO DISMISS PLAINTIFF’S COMPLAINT

COME NOW Defendants City of St. Louis, the Honorable Darlene Green – Comptroller for the City of St. Louis, the Honorable Adam Layne – Treasurer for the City of St. Louis, and Dr. Matifadza Hlatshwayo Davis – Director of Health for the City of St. Louis (collectively, “Defendants”), and move this Court to dismiss Plaintiff State of Missouri’s (“State”) Petition for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6) (“FED. R. CIV. P. 12(b)(6)”).

1. The State’s Complaint (doc. 6) against Defendants fails to state a claim upon which the State may obtain relief from this Court or any other. FED. R. CIV. P. 12(b)(6).
2. Taking the State’s allegations against Defendants as true, and construing those allegations in a light most favorable to the State, the State fails to sufficiently allege facts entitling it to relief. *Kottschade v. City of Rochester*, 319 F.3d 1038, 1040 (8th Cir. 2003).
3. Defendants submit herewith a memorandum in support of their motion, which sets out the relevant arguments and citations to authority on which Defendants rely.

WHEREFORE, Defendants prays the Court grant their Motion to Dismiss for Failure to State a Claim with prejudice, and for any further relief the Court deems just and reasonable.

Dated: August 5, 2022

Respectfully submitted,

**SHEENA HAMILTON
CITY COUNSELOR**

By: /s/ Erin K. McGowan

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CERTIFICATE OF SERVICE

I hereby certify that on **August 5, 2022** this Motion was electronically filed with the Clerk of Court using the Court's electronic filing system, to be served on all counsel of record.

/s/ Erin K. McGowan